

Police union officials argue the vote would be against the law and are urging city councilors to deny Sgt. Clay Ballenger, president of the Tulsa Fraternal Order of Police, Lodge 93, said the union would go on a November ballot. "It's our interpretation of the state law that they must call the

SEE ELECT A3

drive-by identified

BY KENDRICK MARSHALL
World Staff Writer

Tulsa police have identified a 14-year-old girl who was fatally wounded during a drive-by shooting on the Gilcrease Expressway Thursday.

April Montano was in a pickup truck that was pulling a trailer carrying all-terrain vehicles when a car pulled alongside the pickup and fired at least one shot, striking the head, Sgt. Dave Walker said.

She was taken by ambulance to Saint Francis Hospital, where she was pronounced dead at 2:30 p.m. Friday.

April had graduated from eighth grade at Thoreau Demonstration Academy just days before she was killed.

"We are deeply saddened by the loss of April Montano," Tulsa

SEE G



Attorney General Scott Pruitt's records request reveals an attorney general called defense attorneys "hysterical speculation."

AG emails detail debate on execution

BY ZIVA BRANSTETTER
World Enterprise Editor

In the weeks leading up to a botched execution, an Oklahoma assistant attorney general told defense attorneys' views that the execution could be "hysterical speculation," released to the Tulsa World.

Assistant Attorney General Hadden also wrote in a May 15 email that he was "not eager to answer a bunch of questions" from reporters about the state's execution plans but worried about a "overly secretive."

"At the same time we do not have an advantage due to the fact we have actual facts and law on our side while the other side has a bunch of hearsay."

SEE E

NEW EVIDENCE: DNA TESTING RESULTS IN RELEASE

31 May 2014, A1

GOING HOME



Michelle Murphy hugs her grandmother, Norma Parker, after being released from jail on new evidence after serving 20 years in the death of her infant son. JACKIE DOBSON/Tulsa World



Tulsa County District Attorney Tim Harris talks with news organizations during a break in court proceedings on the release of Michelle Murphy from prison. MICHAEL WYKE/Tulsa World

Michelle Murphy's murder conviction is vacated.

BY BILL BRAUN AND SHANNON MUCHMORE
World Staff Writers

Michelle Murphy thought the first thing she was going to do after being released after 20 years of incarceration was have a long cry. Instead, it was figuring out how to work a cellphone.

Murphy, whose conviction for the murder of her infant son was vacated Friday by Tulsa County District Judge William Kellough, hugged family members when she was re-

TULSAWORLD.COM

Watch a video

See District Attorney Tim Harris and attorney Sharisse O'Carroll discuss Murphy's release. tulsaworldtv.com

leased from the Tulsa Jail on \$10,000 bond Friday afternoon.

Kellough also vacated the sentence of life in prison without the possibility of parole that Murphy incurred at her 1995 jury trial.

Kellough's ruling does not dismiss the

SEE MURPHY A4

Today High 85, Low 69

T-storm chance. **More weather on D8**

Get more weather coverage and check out our weather blog at tulsaworld.com/weather

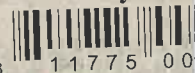
Inside today's Tulsa World

Ask Amy D6	Crosswords D6	KenKen D6	Rig Count E1
Business E1	Editorial A16	Movies D2	Sports TV B2
Comics D6,7	Horoscope C12	Obituaries A14	Stocks E3-5

Follow the World online

- Breaking news at tulsaworld.com
- [facebook.com/tulsaworld](https://www.facebook.com/tulsaworld)
- twitter.com/tulsaworld

Daily - \$1.00



8 11775 00

\$100K

DRAWING IN MAY

GRAND PRIZE DRAWING
SATURDAY, MAY 31 • 10PM

f LIKE US
Follow Us

Hard Rock
HOTEL & CASINO
TULSA

See Cherokee Star Rewards Club for full rules and details. Winner is responsible for all taxes and other fees. Employees whose job duties require a gaming license and their immediate family members are not eligible. Casino reserves the right to delete or modify any promotion at any time and without notice. Know your limits. Gambling problem? Call 800.522.4700.

9-year-old doctor follows father's example, joins Guard

MATT PATTERSON
Tulsa World

ND — Never let it be said that Brian Levy is afraid to throw a curveball or make the most of his spare time. The 9-year-old Edmond doctor is spending this summer getting adjusted to life in the Army National Guard. Levy, who practiced medicine for more than three decades in the Oklahoma City area, decided it was time for him to do something to help

his country. The moment came in the morning. Levy was sitting at Saint Johns, Oklahoma, when something just clicked in his mind. "I can't go to the mountain but after 30 years of practicing medicine, I can't take me and I can't serve, it was something I wanted to do."

Levy's decision was mostly influenced by his son, Pfc. Chris Levy, 5, who had been deployed to Afghanistan as a member of the National Guard during that time.

For Brian Levy, getting into the National Guard was a long process. Physicians are accepted at 59, but he had to wait two years to sign up. He was commissioned May 19.

Background checks and that it took a long time, Levy said. "I wasn't sure they wouldn't take me. I was dreading the physical. I had one in 2012, and the time to have another one was getting closer."

Levy and his wife, Jane, have been married 33 years. Levy has been supportive of his wife's decision.

Levy's wife asked "You're doing what?" when I told her," Levy said. "She doesn't want me to end up going to a place that is dangerous, but she has come around. She's proud for me."

So is his son.



Maj. Gen. Myles Deering administers the Oath of Enlistment to Dr. Brian Levy, 59, of Edmond, during an informal ceremony May 22 at the Oklahoma National Guard's Joint Force Headquarters in Oklahoma City. SGT. 1ST CLASS KENDALL JAMES/Courtesy

"I'm just truly proud that my dad and I can fight the good fight together," Chris Levy said. "I know the Guard has done a lot of truly positive things in my life, and I have no doubt he will get a lot out of it as well."

When Brian Levy first approached the Guard, he was met with surprise. It's not every day a man in his late 50s calls to ask about joining up.

"I believe this is a first for us," said Maj. Gen. Myles Deering, who swore in Levy at his commissioning ceremony. "It's an honor to have Dr. Levy in our ranks, a man with a vast experience in the medical field. I'm just proud to be able to fulfill his desires of giving back to his country like his son has."

Levy is excited about getting started. His first drill is this weekend, and this summer he'll report for what is expected to be a less intense basic training than 19- or 20-year-old inductees experience. He doesn't have his uniform yet, and isn't sure if he knows how to salute properly.

"I've been assured it's more of a gentleman's basic training," Levy said of the three-week session. "I know we have to get up at 4:30, but I get up at 5 anyway. There will be a couple of hours of physical training. It'll be eye-opening I'm sure. I'll have to work up to it. I got on the treadmill a couple of times a few weeks ago, but I don't think that's going to do me a lot of good."

As for what happens after basic, he'll likely be called on to serve one weekend a month and a couple of weeks a year. After his basic officer course in San Antonio, he will report to the 1st Battalion, 180th Cavalry Squadron in Durant. He doesn't expect to be deployed to a combat zone but will go if called.

"If that's what they need me to do, I am certainly willing to do it," he said.

Levy has specialized in internal medicine during his career. He has experience that includes the treatment of diseases, outpatient care, urgent and emergency care.

mpatterson@opubco.com



Crime-scene tape surrounds this extended-cab pickup in which April Montano, 14, was riding when she was shot by someone in another vehicle on the Gilcrease Expressway late Thursday. COREY JONES/Tulsa World

There is no indication the family "had any issue or problem with anyone encountered in the other vehicle," Walker said.

He added that many shootings on roadways stem from road-rage incidents but that road rage has been ruled out as a factor in Thursday's homicide.

"We don't know whether the shooter wanted whatever the family was hauling or something else," he said.

No description of the shooter was available.

A police helicopter spotted a speeding black car that matched the description of

the shooter's vehicle near Interstate 244 and Oklahoma 11 late Thursday, police said. Officers stopped the car and interviewed its occupants, but no one in the car was arrested in connection with the shooting, police said.

Anyone with information about Tulsa's 18th homicide of the year is asked to contact Crime Stoppers at 918-596-2677, online at bit.ly/crimestoppers, call the Homicide Tip Line at 918-798-8477 or email detectives at homicide@cityoftulsa.org.

Kendrick Marshall 918-581-8386
kendrick.marshall@tulsaworld.com



Michelle Murphy talks to the press after being released from jail after 20 years.. JACKIE DOBSON/Tulsa World

MURPHY

FROM A1

murder charge, and a new murder trial is still possible. Kellough ordered Murphy to attend a June 24 status conference, when the judge, among other matters, will review the status of the bond.

Murphy was convicted in 1995 of killing her 15-week-old baby, Travis, who was found nearly decapitated on her kitchen floor in Tulsa on Sept. 12, 1994. The defense pointed the blame at a teenage neighbor, William Lee, who was not charged and died later that year.

The Innocence Project, an organization that assists convicted prisoners in efforts to prove their innocence through DNA testing, entered post-conviction proceedings on Murphy's behalf, and in April Kellough ordered forensic DNA testing on several items of biological evidence from the crime scene.

Forensic testing was also to be conducted on biological specimens previously gathered from the corpses of Lee and the baby, Kellough ordered.

Based on forensic analysis of blood evidence, the Tulsa County District Attorney's Office filed a motion Thursday requesting that Murphy's murder conviction and no-parole life term be vacated.

Prosecutors had argued during the trial that some blood collected at the scene was the baby's. But subsequent DNA testing, unavailable at the time, contradicted the prosecution's theory of the case by revealing that the blood sample did belong to the victim, the motion stated.

Tulsa County District Attorney Tim Harris, who prosecuted the case in 1995, said Friday that "I came forward as a minister of justice and as the lead prosecutor and said, 'Hey, there was an allegation that I made in closing argument that turned out to be



Michelle Murphy hugs her lawyer Sharisse O'Carroll after being released from jail after her conviction for the murder of her infant son was vacated. Murphy's family and friends waited eagerly to greet her.

not an accurate statement' ...

"When I realized that the DNA evidence proved that my argument that it was not the child's blood was incorrect — I'm making an argument to the jury that I find out on science was not an accurate statement — my heart of hearts says I gotta make that right, and that's what I did."

Murphy's attorney Sharisse O'Carroll said Friday that the defense team has discovered exculpatory evidence that proves Murphy's innocence.

As conditions of her release on bond while prosecutors decide whether to retry her case, Murphy must wear a GPS monitor, reside in the home of Susan Jones of Broken Arrow, cannot associate with felons and can have no contact with children other than immediate family members. Jones was Murphy's GED instructor at Tulsa Community College when Murphy was 17, a court document indicates.

"I'm thankful for everybody that's always been there for me," Murphy told members of the media Friday.

Someone handed her a cellphone to call her sister. She was somewhat awed by the device and had to have help to make the call.

Murphy, 37, said she knew this day would come eventually.

"I'm just ecstatic," she said. "I've been waiting for this day for 20 years."

Murphy, who was 17 when she was arrested, said Friday that she wanted to learn what freedom is about.

"I want to learn to have a life. I've been denied for 20 years," she said, adding that the past two decades in prison have been "like hell."

"I'm at a loss for words right now," she said. "I'm a ball of emotions."

Bill Braun 918-581-8455
bill.braun@tulsaworld.com

Shannon Muchmore 918-581-8378
shannon.muchmore@tulsaworld.com

VIDEO REVOLUTION
LIKE SUMMER THE SAVINGS ARE HEATING UP
SEE IT TO BELIEVE!
SONY 4K
See & Hear SONOS
In Store Closeouts! Samsung! Sony! Sharp! Up to 60% off MSRP!
Simplify Your Life with a Universal Remote!
New Models!
40" Sony LED HDTV 1080p SMART \$499
55" Samsung LED 3D \$749 Smooth Motion 240
40" Toshiba LED 1080p HDTV \$399
60" Sony LED HDTV 1080p SMART \$1195 (Floor model) (pair 3D glasses FREE)
Westinghouse 46" LED HDTV 1080p SD Card \$429
Sony 50" LED 3D

BREITLING
1884

Mayor calls for special vote

• He wants the public to vote on an arbitrator's ruling over police pay.



BUDGET BATTLE

Mayor Dewey Bartlett: He says the city's budget can't afford annual performance pay increases.

BY JARREL WADE
World Staff Writer

Mayor Dewey Bartlett has officially called for a special election to send an arbitrator's decision regarding police pay to a public vote.

Police union officials argue the vote would be against the law and are urging city councilors to deny

the mayor's request, union officials said.

Sgt. Clay Ballenger, president of the Tulsa Fraternal Order of Police, Lodge 93, said the union would

TULSAWORLD.COM

Learn more

View databases online concerning the pay issue for Tulsa Police.

tulsa-world.com/databases

seek a court ruling to block the vote if councilors grant the mayor's request.

However, Bartlett said he council is obligated to call for the vote to go on a November ballot.

"It's our interpretation of the state law that they must call the

election," Bartlett said.

At issue is how more than \$500,000 in compensation should be dispensed.

During an arbitration hearing before a three-person panel last month, the city proposed to pay a one-time, 1 percent stipend for all police officers, while the police union had asked that the money be in the form of satisfactory performance increases to eligible officers.

City officials said the stipend would pay about \$500,000 as a

SEE ELECT A3



April Montano, 14, had graduated from Thoreau Demonstration Academy just a few days earlier. Courtesy

Girl shot in Gilcrease drive-by identified

BY KENDRICK MARSHALL
World Staff Writer

Tulsa police have identified the 14-year-old girl who was fatally wounded during a drive-by shooting on the Gilcrease Expressway late Thursday.

April Montano was in a pickup that was pulling a trailer carrying all-terrain vehicles when a black car pulled alongside the pickup and fired at least one shot, striking her in the head, Sgt. Dave Walker said.

She was taken by ambulance to Saint Francis Hospital, where she was pronounced dead at 2:38 a.m. Friday.

April had graduated from the eighth grade at Thoreau Demonstration Academy just days before she was killed.

"We are deeply saddened by the loss of April Montano," Tulsa Public

NEW EVIDENCE: DNA TESTING RESULTS IN RELEASE

31 MAY 2014, AM

GOING HOME





Michelle Murphy hugs her grandmother, Norma Parker, after being released from jail on new evidence after serving 20 years in the death of her infant son. JACKIE DOBSON/Tulsa World

Michelle Murphy's murder conviction is vacated.

BY BILL BRAUN AND SHANNON MUCHMORE
World Staff Writers



Tulsa County District Attorney Tim Harris talks with news organizations during a break in court proceedings on the release of Michelle Murphy from prison. MICHAEL WYKE/Tulsa World

Michelle Murphy thought the first thing she was going to do after being released after 20 years of incarceration was have a long cry. Instead, it was figuring out how to work a cellphone.

Murphy, whose conviction for the murder of her infant son was vacated Friday by Tulsa County District Judge William Kellough, hugged family members when she was re-

TULSAWORLD.COM

Watch a video

See District Attorney Tim Harris and attorney Sharisse O'Carroll discuss Murphy's release.

tulsaworldtv.com

leased from the Tulsa Jail on \$10,000 bond Friday afternoon.

Kellough also vacated the sentence of life in prison without the possibility of parole that Murphy incurred at her 1995 jury trial.

Kellough's ruling does not dismiss the

SEE MURPHY A4



ZMAN REPORT
Attorney General Scott Pruitt: Open Records request reveals an assistant attorney general called defense concerns "hysterical speculation."

AG emails detail debate on executions

BY ZIVA BRANSTETTER
World Enterprise Editor

In the weeks leading up to a botched execution, an Oklahoma assistant attorney general referred to defense attorneys' warnings that the execution could go awry as "hysterical speculation," records released to the Tulsa World show.

Assistant Attorney General John Hadden also wrote in a March 21 email that he was "not eager to answer a bunch of questions" from reporters about the state's execution plans but worried about appearing "overly secretive."

"At the same time we do have an advantage due to the fact that we have actual facts and law on our side while the other side has nothing but a bunch of hearsay observa-

SEE EMAILS A3

Today High 85, Low 69

T-storm chance, **More weather on D8**

Get more weather coverage and check out our weather blog at tulsaworld.com/weather

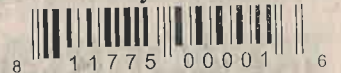
Inside today's Tulsa World

Ask Amy.....D6	Crosswords.....D6	KenKen.....D6	Rig Count.....E1
Business.....E1	Editorial.....A16	Movies.....D2	Sports TV.....B2
Comics.....D6,7	Horoscope.....C12	Obituaries.....A14	Stocks.....E3-5

Follow the World online

- Breaking news at tulsaworld.com
- [facebook.com/tulsaworld](https://www.facebook.com/tulsaworld)
- twitter.com/tulsaworld

Daily - \$1.00



\$100K

DRAWING IN MAY

GRAND PRIZE DRAWING

SATURDAY, MAY 31 • 10PM

f LIKE US

t FOLLOW US

See Cherokee Star Rewards Club for full rules and details. Winner is responsible for all taxes and other fees. Employees whose job duties require a gaming license and their immediate family members are not eligible. Casino reserves the right to delete or modify any promotion at any time and without notice. Know your limits. Gambling problem? Call 800.522.4700.